

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

MARCUS B. GORDON, SR

PETITIONER

VS.

CIVIL ACTION NO. 5:03cv509-DCB-JCS

WARDEN M. PETTIFORD, ET AL.

RESPONDENT

FINAL JUDGMENT

This matter came before the Court on Magistrate Judge James C. Sumner's Report and Recommendation dated August 1, 2006 [**docket entry no. 51**], which recommends that the petition be dismissed without prejudice, and the Court having adopted the Report and Recommendation of even date herewith. Accordingly,

IT IS HEREBY ORDERED that this action is dismissed without prejudice.

SO ORDERED, this the 19th day of September, 2006.

S/DAVID BRAMLETTE
UNITED STATES DISTRICT JUDGE